

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jonathan A. Tjader,

Civ. No. 17-CV-04567 (MJD-SER)

v.

Affinity Plus Federal Credit Union,

Plaintiff,

**DECLARATION OF JENNIFER
PETERSON IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS OR, IN THE
ALTERNATIVE, FOR SUMMARY
JUDGMENT**

Defendant.

I, Jennifer Peterson, declare as follows:

1. I am a Compliance Manager for Affinity Plus Federal Credit Union (“Affinity”), the Defendant in the above-referenced matter. As a Compliance Manager, I have custody, control of, and access to Affinity’s records concerning the subject matter of this litigation.
2. This Declaration is submitted in support of Defendant’s Motion to Dismiss or, in the Alternative, for Summary Judgment.
3. Attached hereto as Exhibit A is a true and correct copy of the Terms and Conditions governing the relationship between Plaintiff and Affinity that has been in effect since 2016.
4. Attached hereto as Exhibit B is a true and correct copy of the Terms and Conditions governing the relationship between Plaintiff and Affinity that was in effect from 2014 through 2016.
5. Attached hereto as Exhibit C is a true and correct copy of the Terms and Conditions governing the relationship between Plaintiff and Affinity that was in effect from 2012 through 2014.

6. As a member of Affinity, Plaintiff participated in Affinity's online banking program, by which he elected to receive his account statements electronically. Attached hereto as Exhibit D is a true and correct copy of the Federal E-Sign Act Disclosure and Consent provided by Affinity to Plaintiff.

7. Plaintiff's account statements were transmitted to Plaintiff electronically by the day following the close of each Monthly Period. Attached hereto as Exhibit E1 through E57 are the following account statements transmitted to Plaintiff covering the Monthly Periods of January 2013 through September 2017:

- i. Exhibit E1: Plaintiff's Account Statement for the Monthly Period ending January 31, 2013.
- ii. Exhibit E2: Plaintiff's Account Statement for the Monthly Period ending February 28, 2013.
- iii. Exhibit E3: Plaintiff's Account Statement for the Monthly Period ending March 31, 2013.
- iv. Exhibit E4: Plaintiff's Account Statement for the Monthly Period ending April 30, 2013.
- v. Exhibit E5: Plaintiff's Account Statement for the Monthly Period ending May 31, 2013.
- vi. Exhibit E6: Plaintiff's Account Statement for the Monthly Period ending June 30, 2013.
- vii. Exhibit E7: Plaintiff's Account Statement for the Monthly Period ending July 31, 2013.

- viii. Exhibit E8: Plaintiff's Account Statement for the Monthly Period ending August 31, 2013.
- ix. Exhibit E9: Plaintiff's Account Statement for the Monthly Period ending September 30, 2013.
- x. Exhibit E10: Plaintiff's Account Statement for the Monthly Period ending October 31, 2013.
- xi. Exhibit E11: Plaintiff's Account Statement for the Monthly Period ending November 30, 2013.
- xii. Exhibit E12: Plaintiff's Account Statement for the Monthly Period ending December 31, 2013.
- xiii. Exhibit E13: Plaintiff's Account Statement for the Monthly Period ending January 31, 2014.
- xiv. Exhibit E14: Plaintiff's Account Statement for the Monthly Period ending February 28, 2014.
- xv. Exhibit E15: Plaintiff's Account Statement for the Monthly Period ending March 31, 2014.
- xvi. Exhibit E16: Plaintiff's Account Statement for the Monthly Period ending April 30, 2014.
- xvii. Exhibit E17: Plaintiff's Account Statement for the Monthly Period ending May 31, 2014.
- xviii. Exhibit E18: Plaintiff's Account Statement for the Monthly Period ending June 30, 2014.

- xix. Exhibit E19: Plaintiff's Account Statement for the Monthly Period ending July 31, 2014.
- xx. Exhibit E20: Plaintiff's Account Statement for the Monthly Period ending August 31, 2014.
- xxi. Exhibit E21: Plaintiff's Account Statement for the Monthly Period ending September 30, 2014.
- xxii. Exhibit E22: Plaintiff's Account Statement for the Monthly Period ending October 31, 2014.
- xxiii. Exhibit E23: Plaintiff's Account Statement for the Monthly Period ending November 30, 2014.
- xxiv. Exhibit E24: Plaintiff's Account Statement for the Monthly Period ending December 31, 2014.
- xxv. Exhibit E25: Plaintiff's Account Statement for the Monthly Period ending January 31, 2015.
- xxvi. Exhibit E26: Plaintiff's Account Statement for the Monthly Period ending February 28, 2015.
- xxvii. Exhibit E27: Plaintiff's Account Statement for the Monthly Period ending March 31, 2015.
- xxviii. Exhibit E28: Plaintiff's Account Statement for the Monthly Period ending April 30, 2015.
- xxix. Exhibit E29: Plaintiff's Account Statement for the Monthly Period ending May 31, 2015.

- xxx. Exhibit E30: Plaintiff's Account Statement for the Monthly Period ending June 30, 2015.
- xxxi. Exhibit E31: Plaintiff's Account Statement for the Monthly Period ending July 31, 2015.
- xxxii. Exhibit E32: Plaintiff's Account Statement for the Monthly Period ending August 31, 2015.
- xxxiii. Exhibit E33: Plaintiff's Account Statement for the Monthly Period ending September 30, 2015.
- xxxiv. Exhibit E34: Plaintiff's Account Statement for the Monthly Period ending October 31, 2015.
- xxxv. Exhibit E35: Plaintiff's Account Statement for the Monthly Period ending November 30, 2015.
- xxxvi. Exhibit E36: Plaintiff's Account Statement for the Monthly Period ending December 31, 2015.
- xxxvii. Exhibit E37: Plaintiff's Account Statement for the Monthly Period ending January 3, 2016.
- xxxviii. Exhibit E38: Plaintiff's Account Statement for the Monthly Period ending February 29, 2016.
- xxxix. Exhibit E39: Plaintiff's Account Statement for the Monthly Period ending March 31, 2016.
- xl. Exhibit E40: Plaintiff's Account Statement for the Monthly Period ending April 30, 2016.

- xli. Exhibit E41: Plaintiff's Account Statement for the Monthly Period ending May 31, 2016.
- xlii. Exhibit E42: Plaintiff's Account Statement for the Monthly Period ending June 30, 2016.
- xliii. Exhibit E43: Plaintiff's Account Statement for the Monthly Period ending July 31, 2016.
- xliv. Exhibit E44: Plaintiff's Account Statement for the Monthly Period ending August 31, 2016.
- xlv. Exhibit E45: Plaintiff's Account Statement for the Monthly Period ending September 30, 2016.
- xlvi. Exhibit E46: Plaintiff's Account Statement for the Monthly Period ending October 31, 2016.
- xlvii. Exhibit E47: Plaintiff's Account Statement for the Monthly Period ending November 30, 2016.
- xlviii. Exhibit E48: Plaintiff's Account Statement for the Monthly Period ending December 31, 2016.
- xlix. Exhibit E49: Plaintiff's Account Statement for the Monthly Period ending January 31, 2017.
 - l. Exhibit E50: Plaintiff's Account Statement for the Monthly Period ending February 28, 2017.
 - li. Exhibit E51: Plaintiff's Account Statement for the Monthly Period ending March 31, 2017.

- lii. Exhibit E52: Plaintiff's Account Statement for the Monthly Period ending April 30, 2017.
- liii. Exhibit E53: Plaintiff's Account Statement for the Monthly Period ending May 31, 2017.
- liv. Exhibit E54: Plaintiff's Account Statement for the Monthly Period ending June 30, 2017.
- lv. Exhibit E55: Plaintiff's Account Statement for the Monthly Period ending July 31, 2017.
- lvi. Exhibit E56: Plaintiff's Account Statement for the Monthly Period ending August 31, 2017.
- lvii. Exhibit E57: Plaintiff's Account Statement for the Monthly Period ending September 30, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 1, 2017



Jennifer Peterson